

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12346 MLW

MARLOW WILLIAMS, SR.,  
Plaintiff.

v.

GREG LONG, OTIS  
HAREWOOD, GREG LONG,  
BRIAN ALBERT, EDWARD  
MEADE, JOHN CONROY, AND  
THE CITY OF BOSTON,  
Defendants.

ANSWER OF THE DEFENDANT CITY OF BOSTON TO  
PLAINTIFF'S COMPLAINT, WITH AFFIRMATIVE DEFENSES AND JURY DEMAND

NOW COMES City Of Boston, Defendant in the above-entitled action, and hereby answers the Plaintiff's Complaint ("Complaint"), as follows:

PARTIES

1. Defendant City Of Boston states that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph one of the Complaint, and therefore, neither admits nor denies said allegations.
2. Defendant City Of Boston admits the allegations contained in Paragraph two of the Complaint.
3. Defendant City Of Boston admits the allegations contained in Paragraph three of the Complaint.
4. Defendant City Of Boston admits the allegations contained in Paragraph four of the Complaint.

5. Defendant City Of Boston admits the allegations contained in Paragraph five of the Complaint.

6. Defendant City Of Boston admits the allegations contained in Paragraph six of the Complaint.

7. Defendant City Of Boston admits the allegations contained in Paragraph seven of the Complaint.

8. Defendant City Of Boston states that Paragraph eight of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations in Paragraph eight are denied.

COUNT I

Paragraphs 1-7 of Count I of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT II

Paragraphs 1-8 of Count II of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT III

Paragraphs 1-8 of Count III of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT IV

Paragraphs 1-7 of Count IV of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT V

Paragraphs 1-8 of Count V of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT VI

Paragraphs 1-8 of Count VI of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT VII

Paragraphs 1-7 of Count VII of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT VIII

Paragraphs 1-8 of Count VIII of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT IX

Paragraphs 1-8 of Count IX of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT X

Paragraphs 1-7 of Count X of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XI

Paragraphs 1-8 of Count XI of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XII

Paragraphs 1-8 of Count XII of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XIII

Paragraphs 1-7 of Count XIII of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XIV

Paragraphs 1-8 of Count XIV of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XV

Paragraphs 1-8 of Count XV of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XVI

Paragraphs 1-7 of Count XVI of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XVII

Paragraphs 1-8 of Count XVII of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XVIII

Paragraphs 1-8 of Count XVIII of the Complaint contain allegations against a Defendant other than City Of Boston, and therefore no response from Defendant City Of Boston is required.

COUNT XIX

1. Defendant City Of Boston states that Paragraph one of Count XIX of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph one of Count XIX are denied.

2. Defendant City Of Boston states that Paragraph two of Count XIX of the Complaint contains legal conclusions, and therefore

no response is required. To the extent that an answer is required, the allegations contained in Paragraph two of Count XIX are denied.

3. Defendant City Of Boston states that Paragraph three of Count XIX of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph three of Count XIX are denied.

4. Defendant City Of Boston denies the allegations in Paragraph four of Count XIX of the Complaint.

6. [sic] Defendant City Of Boston states that Paragraph six of Count XIX of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph six of Count XIX are denied.

7. [sic] Defendant City Of Boston states that Paragraph seven of Count XIX of the Complaint contains legal conclusions, and therefore no response is required. To the extent that an answer is required, the allegations contained in Paragraph seven of County XIX are denied.

8. [sic] Defendant City Of Boston denies the allegations in Paragraph eight of Count XIX of the Complaint.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

The Complaint fails to state a claim against Defendant City of Boston upon which relief may be granted.

**Second Affirmative Defense**

Defendant City Of Boston states that there is no factual connection between any unconstitutional municipal custom, policy or practice and any alleged violation of the Plaintiff's constitutional rights.

Third Affirmative Defense

Defendant City Of Boston states that at all relevant times, he acted in good faith and in accord with the Constitutions and laws of the United States and of the Commonwealth of Massachusetts.

Fourth Affirmative Defense

Defendant City Of Boston states that the Plaintiff has not been deprived of any rights secured by either the Constitutions or the laws of the United States, or of the Commonwealth of Massachusetts.

Fifth Affirmative Defense

Defendant City Of Boston states that the injury or damage alleged in Plaintiff's Complaint was neither caused nor proximately caused by him.

Sixth Affirmative Defense

Defendant City Of Boston states that the Plaintiff, by his own acts, omissions, conduct and activities is estopped from asserting any claims against Defendant City Of Boston.

Seventh Affirmative Defense

Defendant City Of Boston states that the Complaint fails to state a claim entitling the Plaintiff to relief because he is entitled to qualified immunity.

Eighth Affirmative Defense

Defendant City of Boston states that the Complaint fails to state a claim entitling the Plaintiff to relief because the claim is barred under Heck v. Humphrey, 512 U.S. 477, 487 (1994).

JURY CLAIM

Defendant City Of Boston demands a trial by jury on all claims.

Respectfully submitted,

DEFENDANT CITY OF BOSTON,  
Merita A. Hopkins  
Corporation Counsel  
By his attorneys:

/s/ Helen G. Litsas  
Helen G. Litsas, BBO #644848  
Thomas R. Donohue BBO #643483  
Assistant Corporation Counsel  
City of Boston Law Department  
Room 615, City Hall  
Boston, MA 02201  
(617) 635-4023 - Litsas  
(617) 635-4039 - Donohue

CERTIFICATE OF SERVICE

I hereby certify that on this day a true  
copy of the above document was served  
upon the plaintiff by mail/by hand/by fax.

11/2/05      /s/ Helen G. Litsas